

REMARKS

With this amendment, claim 18 is amended and claim 23 is cancelled. Accordingly, all grounds of rejection are moot with regards to claim 23.

Rejection under 35 U.S.C. § 102(b)

Claim 23 is rejected under 35 U.S.C. § 102(b) as being anticipated by Yongchaiyudha, et al. (Phytomedicine 3(3): 241-243, 1996) as evidenced by Tanaka, et al. (Biol. Pharm. Bull. 29(7): 1418-1422, 2006).

This ground of rejection is moot in view of Applicants' cancellation of claim 23.

Rejection under 35 U.S.C. § 102(b)

Claims 18 and 23 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Ajabnoor (Journal of Ethnopharmacology 28: 215-220, 1990) as evidenced by Tanaka, et al. (Biol. Pharm. Bull. 29(7): 1418-1422, 2006).

Ajabnoor teaches administration of a "bitter principle" from an extract of *Aloe barbadensis* leaves. Although Ajabnoor disclose neither 9,19-cyclolanostan-3-ol nor 24-methylene-9,19-cyclolanostan-3-ol, the Examiner asserts that both compounds may be extracted from *Aloe barbadensis* leaves based upon the disclosure of Tanaka, et al. regarding the presence of these two compounds in *Aloe vera* gel.

Regarding 24-methylene-9,19-cyclolanostan-3-ol, this compound is no longer a claim element.

Regarding 9,19-cyclolanostan-3-ol, Applicants present a second Declaration from inventor Miyuki Tanaka (2nd Tanaka Declaration) which shows that "bitter principle" of Ajabnoor contains no 9,19-cyclolanostan-3-ol.

As described in the 2nd Tanaka Declaration, the bitter principle prepared by ethyl acetate extraction of *Aloe* leaves contains no 9,19-cyclolanostan-3-ol or 24-methylene-9,19-cyclolanostan-3-ol as measured by LC/MS/MS. Accordingly, the extract of Ajabnoor does not contain 9,19-cyclolanostan-3-ol and cannot anticipate the presently claimed invention.

In view of the evidence submitted herewith in the form of the 2nd Tanaka Declaration and Applicants' amendments, withdrawal of the rejection is respectfully requested.

Application No.: 10/572,404
Filing Date: March 16, 2006

Rejection under 35 U.S.C. § 102(b)/103(a)

Claims 18 and 23 are rejected under 35 U.S.C. § 102 (b) as anticipated by or, in the alternative, 35 U.S.C. § 103(a) as obvious over Abou Zeid (Egypt. J. Pharm. Sci. 39 (4-6): 379-398, 1998).

24-methylene-9,19-cyclolanostan-3-ol has been cancelled from claim 18. Abou Zeid does not teach 9,19-cyclolanostan-3-ol. Accordingly, the reference does not teach all of the elements of the presently claimed invention.

In view of Applicants' amendment, withdrawal of the rejection is respectfully requested.

Obviousness-type Double patenting

Claims 18 and 23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of co-pending Application No. 11/577,301.

This ground of rejection is addressed by submission of a terminal disclaimer herewith.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Application No.: 10/572,404
Filing Date: March 16, 2006

Applicant refers to the Amendment submitted May 15, 2008 which lists co-pending applications of Assignee.

CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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